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**LARRY W. PROPPS, CLERK
FLORENCE, S.C.**

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA

vs.

**DAVID EDWIN KOHN, JR.,
a/k/a David Johnson,
a/k/a David Washington**

) CRIMINAL NO.: **4:07-645**
) 18 U.S.C. § 922(g)(1)
) 18 U.S.C. § 924(a)(2)
) 18 U.S.C. § 924(e)
) 18 U.S.C. § 924(c)(1)
) 18 U.S.C. § 924(c)(1)(A)(ii)
) 18 U.S.C. § 924(c)(1)(A)(iii)
) 18 U.S.C. § 924(c)(1)(C)(i)
) 18 U.S.C. § 1951(a)
) **INDICTMENT**

COUNT 1

THE GRAND JURY CHARGES:

1. That at all times material to this Indictment, Williams Travel Center, located at 2301 W. Lucas Street, Florence, South Carolina, was a commercial business engaged in interstate commerce.

2. That on or about June 16, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, knowingly did obstruct, delay, and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant unlawfully did take property consisting of money belonging to Williams Travel Center from the person and presence of an employee of the store, against his/her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his/her person, in that he did rob the employee of the store at gunpoint of money;

In violation of Title 18, United States Code, Section 1951(a).

COUNT 2

THE GRAND JURY FURTHER CHARGES:

That on or about June 16, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm and .45 caliber ammunition, all of which had been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

COUNT 3

THE GRAND FURTHER JURY CHARGES:

On or about June 16, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington** , knowingly used and carried a firearm during and in relation to, and possessed a firearm in furtherance of, a crime of violence which is prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1) and 924(c)(1)(A)(iii) and 924(c)(1)(C)(i).

COUNT 4

THE GRAND FURTHER JURY CHARGES:

1. That at all times material to this Indictment, The Express Shop, located at 3114 E. Palmetto Street, Florence, South Carolina, was a commercial business engaged in interstate commerce.

2. That on or about June 16, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, knowingly did obstruct, delay, and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant unlawfully did take property consisting of money and merchandise belonging to The Express Shop from the person and presence of an employee of the store, against his/her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his/her person, in that he did rob the employee of the store at gunpoint of money and merchandise;

In violation of Title 18, United States Code, Section 1951(a).

COUNT 5

THE GRAND FURTHER JURY CHARGES:

On or about June 16, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington** , knowingly used and carried a firearm during and in relation to, and possessed a firearm in furtherance of, a crime of violence which is prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1), 924(c)(1)(A)(ii) and 924(c)(1)(C)(i).

COUNT 6

THE GRAND FURTHER JURY CHARGES:

1. That at all times material to this Indictment, Petro Truck Stop, located at 3001 TV Road, Florence, South Carolina, was a commercial business engaged in interstate commerce.

2. That on or about July 4, 2005, in the District of South Carolina, the defendant , **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, knowingly did obstruct, delay, and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant unlawfully did take property consisting of money and merchandise belonging to Petro Truck Stop from the person and presence of an employee of the store, against his/her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his/her person, in that he did rob the employee of the store at gunpoint of money and merchandise;

In violation of Title 18, United States Code, Section 1951(a).

COUNT 7

THE GRAND JURY FURTHER CHARGES:

That on or about July 4, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm, 9mm ammunition, and .45 caliber ammunition, all of which had been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

COUNT 8

THE GRAND FURTHER JURY CHARGES:

On or about July 4, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR.**, a/k/a **David Johnson**, a/k/a **David Washington** , knowingly used and carried a firearm during and in relation to, and possessed a firearm in furtherance of, a crime of violence which is prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1), 924(c)(1)(A)(iii) and 924(c)(1)(C)(i).

COUNT 9

THE GRAND FURTHER JURY CHARGES:

1. That at all times material to this Indictment, Pilot Travel Center, located at 3006 N. Williston Road, Florence, South Carolina, was a commercial business engaged in interstate commerce.

2. That on or about July 9, 2005 , in the District of South Carolina, the defendant , **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, knowingly did obstruct, delay, and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant unlawfully did take property consisting of money belonging to Pilot Travel Center from the person and presence of an employee of the store, against his/her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his/her person, in that he did rob the employee of the store at gunpoint of money;

In violation of Title 18, United States Code, Section 1951(a).

COUNT 10

THE GRAND JURY FURTHER CHARGES:

That on or about July 9, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR., a/k/a David Johnson, a/k/a David Washington**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm and 9mm ammunition, all of which had been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

COUNT 11

THE GRAND FURTHER JURY CHARGES:

On or about July 9, 2005, in the District of South Carolina, the defendant, **DAVID EDWIN KOHN, JR.**, a/k/a David Johnson, a/k/a David Washington , knowingly used and carried a firearm during and in relation to, and possessed a firearm in furtherance of, a crime of violence which is prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1), 924(c)(1)(A)(iii) and 924(c)(1)(C)(i).

A TRUE BILL

s/ Grand Jury Foreperson
FOREPERSON

s/ Reginald I. Lloyd
REGINALD I. LLOYD (AWB)
UNITED STATES ATTORNEY

PENALTIES:

As to Counts 1, 4, 6, and 9 - 18 U.S.C. § 1951(a):

FINE OF \$ 250,000.00 (18 USC 3571)
IMPRISONMENT FOR 20 YEARS
SUPERVISED RELEASE OF 3 YR(S) (18 USC 3583)
SPECIAL ASSESSMENT \$ 100.00 (18 USC 3013)

As to Count 2, 7, and 10 - 18 U.S.C. 922(g)(1) & 924(a):

FINE OF \$ 250,000.00 (18 USC 3571)
IMPRISONMENT FOR 10 YEARS
SUPERVISED RELEASE OF 3 YR(S) (18 USC 3583)
SPECIAL ASSESSMENT \$ 100.00 (18 USC 3013)

AND/OR

As to Count 2, 7, and 10 - 18 U.S.C. 922(g)(1) & 924(e):

FINE OF \$ 250,000.00 (18 USC 3571)
IMPRISONMENT FOR 15 YEARS TO LIFE
SUPERVISED RELEASE OF 5 YR(S) (18 USC 3583)
SPECIAL ASSESSMENT \$ 100.00 (18 USC 3013)

As to Count 5 - 18 U.S.C 924(c)(1):

FINE OF \$ 250,000.00 (18 USC 3571)
IMPRISONMENT FOR 7 YEARS to LIFE MANDATORILY CONSECUTIVE
SUPERVISED RELEASE OF 5 YR(S) (18 USC 3583)
SPECIAL ASSESSMENT \$ 100.00 (18 USC 3013)
OR IMPRISONMENT FOR 25 YEARS to LIFE MANDATORILY CONSECUTIVE
FOR A SECOND OR SUBSEQUENT 924(c) CONVICTION

As to Counts 3, 8 and 11 - 18 U.S.C 924(c)(1):

FINE OF \$ 250,000.00 (18 USC 3571)
IMPRISONMENT FOR 10 YEARS to LIFE MANDATORILY CONSECUTIVE
SUPERVISED RELEASE OF 5 YR(S) (18 USC 3583)
SPECIAL ASSESSMENT \$ 100.00 (18 USC 3013)
OR IMPRISONMENT FOR 25 YEARS to LIFE MANDATORILY CONSECUTIVE
FOR A SECOND OR SUBSEQUENT 924(c) CONVICTION

RECORD OF GRAND JURY BALLOT

CR 4:07-645

THE UNITED STATES V. DAVID EDWIN KOHN, JR.,
a/k/a David Johnson,
a/k/a David Washington

(SEALED UNTIL FURTHER ORDER OF THE COURT)

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